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SUBJECT: NORTHERN BORDER CONFERENCE FOCUSES SIGHTS ON ARMS
TRAFFICKING COOPERATION

¶1. (SBU) Summary: GOM and USG law enforcement officials huddled September 22-26 in Phoenix at the Northern Border Conference to discuss expanding cooperation on combating arms trafficking. Both sides support a greater exchange of information on firearms sales as well as relevant legislation on firearms, including statutes that speak to prosecuting arms traffickers. Future progress will rely on progress by sub-working groups on a wide range of action items in advance of a follow-on conference in Tapachula, Mexico at the end of October. End Summary.

Participants

¶2. (SBU) Officials from the Mexican Army (SEDENA), Navy (SEMAR), the Attorney General's Office (PGR), the Federal Police (SSP), Tax Collection (SAT), Intelligence (CISEN), the President's Office, and Foreign Affairs (SRE) represented Mexico at the meeting. The PGR representatives included prosecutors, forensic experts and intelligence analysts. The U.S. delegation included representatives of the Arizona Attorney General's Office, ATF, CBP, DEA, the Defense Attach's Office, DOJ, ICE, FBI, ONDCP, the Phoenix Police Department, ONDCP and NAS. The DOJ representatives included prosecutors from Arizona, California, Colorado, New Mexico, Texas, Utah and the DOJ Criminal Division. All of the U.S. representatives invited to the conference participate in firearms trafficking interdiction and/or prosecution that includes operational or programmatic functions.

Seeing is Understanding

¶3. (SBU) The conference was tailored to requests by the Mexican side. Off-site tours included a firearm licensee establishment, a gun show, the Phoenix Police department, and the ATF headquarters and firing range. These off-site tours highlighted vendor security and compliance, forensic processing of actual cases, and maintenance of firearm forensic evidence. In their classroom sessions, participants learned how U.S. officials detect and track straw purchasers of firearms (individuals who purchase multiple weapons for others or willingly allow their identity to be used by others to purchase firearms) using databases and E-trace (a program designed to trace weapons sales to the last vendor) to support investigations. PGR requested additional E-trace accounts to facilitate future tracing efforts, and ATF immediately granted five accounts.

¶4. (SBU) The conference also pinpointed several follow-up issues for the bilateral arms trafficking implementation group (GC Armas). Vetted units, such as the ICE BEST (Border

Enforcement Security Task-force) unit, assume a key role in the investigation of information on arms movements between the two sides. Both sides agree on the need to establish guidelines for strengthening these vetted units. In addition, the U.S. and Mexican representatives discussed the creation of an inter-institutional group dedicated to firearm inspection and database information mining. This matter will require follow-up as GC Armas seeks to enhance the collection and utilization of intelligence from existing cases as well as current arms seizure forensics in order to connect the dots on trafficking patterns and traffickers.

Can We All Just Share More?

15. (SBU) Conference participants agreed that effective prosecutions in each country rely on consistent data from firearm seizures on both sides of the border. At the very least, they need the following firearm data: (1) serial number (including obliteration information), (2) make and model, (3) importer information found on the weapon, (4) date of seizure, (5) location of seizure, (6) nature and circumstances of the seizure, (7) finder, seizing official, and forensic processor of the firearm, (8) caliber and action, (9) photograph and criminal history of individuals arrested, and (10) point of contacts for locating seized weapon.

16. (SBU) The two sides then need to share more information with each other. Septel will discuss the GOM desire to create a single database of all seized firearms -- which may

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or may not be a realizable objective. In the meantime, though, the GOM and USG agreed to explore the potential for sharing existing databases, with the USG on the hook to explore its international protocols in order to allow PGR CENAPI (the investigative branch of the Mexican Attorney General) greater access to E-trace. Once the sides embrace a structure and guidelines for sharing information, each country will need to develop a consistent statistical method for measuring fruitful investigations and successful prosecutions. Such statistics will lend themselves to tracking trends, developing targets for in-bound and outbound port interdiction, creating "lookouts" in targeting systems, and focusing attention on arms trafficking danger spots in each country.

17. (SBU) The complexity of U.S. laws, in particular, the differences between individual states and U.S. federal law, is a source of immense confusion to Mexican Officials. Both countries pledged to share translations of federal firearms laws with an aim to foster greater GOM appreciation for the kind of information required for bilateral case development and the strict rules that U.S. law enforcement faces in the apprehension and prosecution of offenders. Inasmuch as laws dictate the forensic requirements needed for crime scene management and evidence handling, each country will develop training programs tailored to established guidelines.

18. (SBU) USG representatives agreed to explore creative prosecution strategies to attack firearms trafficking, including possible reliance on statutes involving conspiracy to distribute and possession with intent to distribute, and RICO (Racketeering Influenced Corrupt Institutions). The U.S. conveyed its readiness to train prosecutors on both sides of the border on using these possible tools more effectively. In addition, the U.S. side said that it would explore expanding the use of Article IV of the U.S. and Mexico Extradition Treaty, which allows the extradition of Mexican nationals from the U.S. to Mexico to be prosecuted for trafficking weapons that fall into the hands of organized criminals in Mexico.

19. (SBU) Comment: The Phoenix Bilateral Arms Trafficking Conference opened the eyes of participants to the immense

amount of work that needs to occur on both sides of the border to abate the flow of illegal weapons across the border. The Mexicans acquired a better appreciation of the challenges facing U.S. law enforcement in the investigation and prosecution of individuals or entities involved in firearm crimes. The USG pledged to provide Mexican officials with training, as appropriate, to facilitate compliance with U.S. legal requirements. Meanwhile, both sides agreed on the need for greater information sharing on arms trafficked and seized. Each side will need to continue to engage aggressively on the issues raised at this conference as well as the programs identified in the GC Armas sub-working groups in order to demonstrate adequate progress in the run-up to the Tapachula Arms Conference scheduled for the end of October. End Comment

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